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COMMISSIONER

TO: Appointing Authorities

FROM: Robin Andujar, Assistant Commissioner

SUBJECT: Police and Fire Promotional Announcements,
Waiver of Competitive Examination

DATE: December 29, 2005

The purpose of this memorandum is to explain, clarify and reinforce the Department of Personnel's policy with regard to waiving examinations for police and fire promotional titles. Waivers of competitive examinations for promotional titles are controlled by N.J.A.C. 4A:4-2.7, which provides that the Commissioner may authorize such waiver when all of the following factors are met:

- (1) The employee has been successfully tested in the basic skills required for the promotional title;
- (2) The employee has not failed, within one year prior to the announced closing date, a promotional examination for that title. However, an employee who subsequently passed an examination for that title shall be eligible for promotion;
- (3) The number of interested eligibles for the promotional examination does not exceed the number of promotional appointments by more than two; and
- (4) Veterans preference rights are not a factor.

The term "successfully tested" mentioned in (1) above refers to whether the employee previously has passed an examination, administered by the Department of Personnel, which measures the "basic skills" that are required to successfully perform the work associated with the promotional title. The basic skills of every job title are identified in a job analysis process and the extent to which they are measured is a function of the design and validity of the examination or selection instrument. Since various titles within a given title series typically require some common and "basic" knowledge, skills and abilities, it may be unnecessary to re-test an employee when conditions (2), (3) or (4) above apply, if the employee has already demonstrated proficiency in those areas.

The following table refers to those examinations that the Department of Personnel will accept as a “basic test” for a higher title(s) when waivers of examination are considered:

POLICE TITLES

<u>A test for.....</u>	<u>Is generally accepted as a “basic skills” test for:</u>
Police Lieutenant	Police Captain
Police Captain	Police Inspector, Deputy Police Chief or Police Chief
Inspector	Deputy Police Chief or Police Chief
Deputy Police Chief	Police Chief

***FIRE TITLES IN NON-CONSENT DECREE JURISDICTIONS**

<u>A test for.....</u>	<u>Is generally accepted as a “basic skills” test for:</u>
Fire Lieutenant	Fire Captain
Battalion Fire Chief	Deputy Fire Chief or Fire Chief
Deputy Fire Chief	Fire Chief

Since a Police Officer examination is not considered a “basic skills” test for Police Sergeant, a waiver of examination is not possible when promoting to Police Sergeant. Similarly, a Police Sergeant examination is not considered a “basic skills” test for Police Lieutenant or Police Captain. With respect to fire titles, a Firefighter examination is not considered a “basic skills” test for Fire Lieutenant or Fire Captain. Therefore, a waiver of examination is not possible when promoting from the firefighter level.

Please note that there are certain situations for which a waiver of examination will not be considered. For example, if a Police Captain was promoted to a Deputy Police Chief via a waiver of examination, that employee can not be promoted again to a Police Chief via a waiver of examination. In other words, an employee can not be promoted two consecutive times through the examination waiver process. Since a waiver of examination is an exception to merit system testing practices, it is not appropriate for an employee to benefit two consecutive times from this exception. Rather, as with other public safety promotions, the employee will need to demonstrate that they are qualified for the next promotion via the formal examination process. Therefore, requests to “waive” an examination will no longer be approved if the employee to be promoted previously became permanent in his/her current title through an examination waiver. Waiver of examination requests also will no longer be considered for in-line Fire titles that are used by Consent Decree jurisdictions as this procedure has been challenged, given the language of the Consent Decree, by the U.S. Department of Justice.

If you have any questions regarding this policy, please contact the Director of Selection Services at (609) 633-7571.